



Immigration and Refugee Board of Canada

Performance Report

**For the period ending
March 31, 2011**

The original version was signed by
The Honourable Jason Kenney
Minister of Citizenship, Immigration
and Multiculturalism



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MESSAGE FROM THE CHAIRPERSON



I am pleased to present the *2010–11 Performance Report* for the Immigration and Refugee Board of Canada (IRB). This report is a balanced and comprehensive review of the IRB's performance and accomplishments as set against stated plans and priorities for 2010–11.

The IRB is an independent and accountable tribunal entrusted by Parliament with resolving immigration and refugee cases efficiently, fairly and in accordance with the law. Through the work of its three divisions, namely the Refugee Protection Division (RPD), the Immigration Division (ID) and the Immigration Appeal Division (IAD), the Board contributes directly to Canada's humanitarian traditions, the security of Canada and the quality of life of Canadians as well as to the fulfillment of our international obligations.

REFORM IMPLEMENTATION

Since the *Balanced Refugee Reform Act* (BRRA) received Royal Assent on June 29, 2010, the IRB has been working diligently on implementation planning activities. The BRRA provides for significant changes to the IRB's structure and the manner in which it processes refugee protection claims. These include the establishment of a new tribunal, the Refugee Appeal Division, as well as new processes and time frames at the RPD. I am very pleased with the progress to date in areas ranging from organizational design and staffing to rules development and information technology. I am confident that we are on track to implement the new act successfully.

RESULTS FOR CANADIANS

In addition to preparing for the implementation of the BRRA, the IRB has continued to strive to maximize productivity while ensuring fairness for those with proceedings before it. In this regard, I am proud of what the Board's decision-makers and adjudicative support personnel have accomplished during the reporting period. Thanks to their dedication and hard work, as well as internal efficiency measures, all three divisions exceeded expectations for finalizations in 2010–11.

The ID in particular experienced a very challenging year with the arrival in British Columbia in August 2010 of approximately 500 marine migrants, almost all of whom were detained on arrival by the Canada Border Services Agency. Working with key partners, the ID ensured that the detainees' right to regular detention reviews was respected while safeguarding the integrity of Canada's immigration system. The efforts of IRB personnel in dealing with this mass arrival were outstanding, and I am grateful to the Clerk of the Privy Council for his recognition of their exemplary commitment by bestowing on them a 2011 Public Service Award of Excellence.

The Government continued to appoint and reappoint Governor-in-Council (GIC) decision-makers, allowing both the RPD and the IAD to maintain close to a full decision-maker complement throughout the year. As a result of these appointments and reappointments, combined with the receipt of additional funding, innovative case management strategies and reduced intake, the RPD was able to make substantial inroads into its backlog of unprocessed refugee protection claims. From a high of 62,000 pending claims in October 2009, the RPD ended the reporting period with 48,000 claims remaining in its backlog, with further reductions anticipated in 2011–12.

THE CHALLENGES AHEAD

Despite the RPD's impressive progress in resolving a very large number of cases, it is expected that a considerable number of refugee protection claims will remain unprocessed when the new act comes into force. The IRB will continue to work with the Government to address this situation in a manner consistent with our role and mandate.

Given the extent of the changes to be implemented in the coming months, including the requirement to hire and train close to 200 new personnel, 2011–12 promises to be a challenging year for the IRB. However, I am certain that the Board will emerge from this period of transition an even stronger organization that continues to be recognized in Canada and around the world for its innovative practices and the excellence of its decision-making. I feel fortunate as Chairperson to lead a tribunal whose personnel, whether public servants or GIC appointees, are so committed to the fulfillment of its mandate and objectives, and I know that I can count on them for the challenges ahead.

The original version was signed by
Ken Sandhu
Acting Chairperson
for Brian Goodman



SECTION I ORGANIZATIONAL OVERVIEW

RAISON D'ÊTRE AND RESPONSIBILITIES

The Immigration and Refugee Board of Canada (IRB) is an independent, accountable administrative tribunal that was created on January 1, 1989, by an amendment to the *Immigration Act*.

Mission

Our mission, on behalf of Canadians, is to resolve immigration and refugee cases efficiently, fairly and in accordance with the law

In 2002, the *Immigration Act* was replaced by the *Immigration and Refugee Protection Act* (IRPA), which will in turn be amended by the *Balanced Refugee Reform Act* (BRRA). While the IRB's mandate will expand as provisions of the BRRA come into force in 2012–13, the IRB divisions continued to receive their mandate from the IRPA during the 2010–11 reporting period.

IRB Division Mandates

Refugee Protection Division (RPD)

- Decides claims for refugee protection
- Decides applications for vacation of refugee protection
- Decides applications for cessation of refugee protection

Immigration Division (ID)

- Conducts admissibility hearings for foreign nationals or permanent residents who seek entry into Canada, or who are already in Canada and are alleged to be inadmissible
- Conducts detention reviews for foreign nationals or permanent residents who are detained for immigration reasons

Immigration Appeal Division (IAD)

- Hears appeals of family sponsorship applications refused by Citizenship and Immigration Canada (CIC)
- Hears appeals from certain removal orders made against permanent residents, Convention refugees and other protected persons, and holders of permanent resident visas
- Hears appeals by permanent residents against whom a CIC officer outside Canada has decided that they have not fulfilled their residency obligation
- Hears appeals by the Minister of Public Safety of ID decisions at admissibility hearings

An overview of the IRB is available at www.irb-cisr.gc.ca/eng/brdcom/publications/oveape/Pages/index.aspx.

REGIONAL OPERATIONS

The IRB carries out its work in three regional offices located in Toronto, Montréal and Vancouver. The Central Region is responsible for Ontario, except for Ottawa; the Eastern Region for Quebec, Ottawa and the Atlantic provinces; and the Western Region for the Western provinces and Northern territories. All three divisions hold hearings in these regions, assisted by

adjudicative and corporate support. The IRB also has offices in Calgary and Ottawa in which hearings are held. Internal and support services are managed at IRB National Headquarters, located in Ottawa.

ADMINISTRATIVE JUSTICE

Through the work of each division, the IRB strives to deliver a simpler, more accessible and expeditious form of justice than that provided by the courts, but with no less attentiveness to procedural fairness and the application of the law to the particular facts of each case. The IRB applies the principles of administrative law, including those of natural justice, in its proceedings and resolutions, and decisions are rendered in accordance with the law, including the *Canadian Charter of Rights and Freedoms*.

The IRB is committed to fairness in all aspects of its work. The Board respects the dignity and diversity of the individuals who appear before it and their unique and sometimes extremely traumatic experiences.

BENEFITS FOR CANADIANS

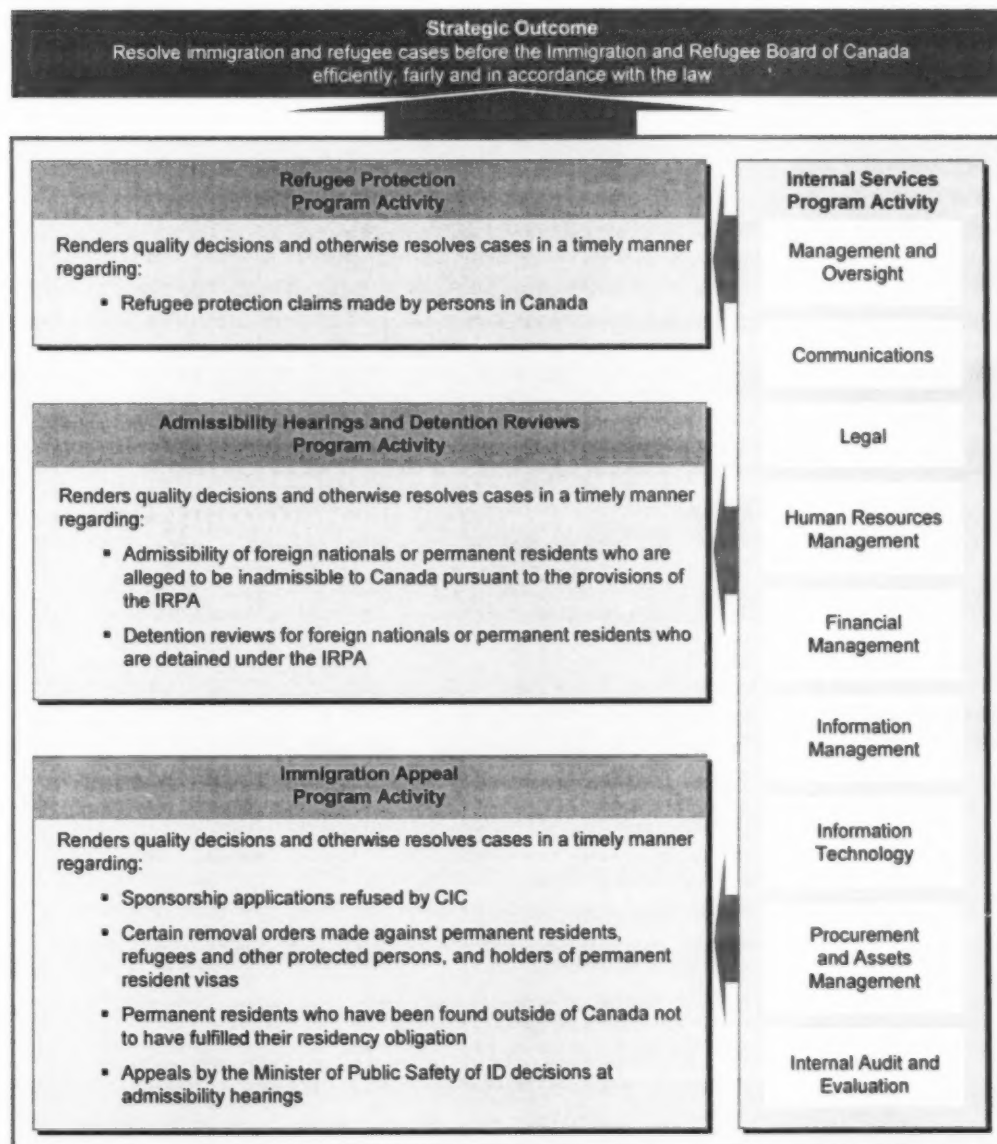
Immigrants and refugees have always contributed significantly to Canada's growth and development. The IRB ensures continued benefits for Canadians in three important ways:

- In the hearing of refugee protection claims, it ensures that Canada accepts those in need of protection in accordance with international obligations and Canadian law.
- Through admissibility hearings and detention reviews, it contributes to the integrity of our immigration system, ensures the maintenance of the balance between individual rights and the safety and security of Canadians, and upholds Canada's reputation for justice and fairness for individuals.
- As an independent tribunal responsible for resolving sponsorship, removal order and residency obligation appeals, it helps to promote family reunification, helps to ensure Canadians' safety and security, and safeguards the integrity of Canada's immigration system.

The IRB also contributes more broadly to the quality of life of Canada's communities by strengthening our country's social fabric and by reflecting and reinforcing the core values that are important to Canadians. These include respect for human rights, peace, security and the rule of law.

STRATEGIC OUTCOME AND PROGRAM ACTIVITY ARCHITECTURE

Based on its legislated mandate and its Program Activity Architecture (PAA) approved for the 2010–11 reporting period, the IRB had a single strategic outcome and three program activities that included responsibility for all tribunal decisions and resolutions. The fourth program activity, Internal Services, supported the first three as illustrated by the figure below.



ORGANIZATIONAL PRIORITIES

Shortly after the BRRA received Royal Assent on June 29, 2010, the IRB added a new strategic priority to its existing two. In support of the same single strategic outcome, these three strategic priorities are expected to remain through the next fiscal year and are summarized in the following table.

2010-11 Strategic Priorities		
STRATEGIC OUTCOME		
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law		
Priorities	Type	Performance Status and Link to Strategic Outcome
Prepare for and implement the BRRA	New	Met All. Following Royal Assent, the IRB started preparing for the implementation of the new legislation. The Reform Office was established to plan and coordinate reform implementation activities. Major changes to the processes in the Refugee Protection program activity were identified, and a project plan was created to implement the new procedures. The development of processes for the new Refugee Appeal program activity was initiated. Planning and development were accomplished in coordination with portfolio partners while minimizing the impact on daily operations and maintaining case resolution productivity levels.
Continue to maximize case resolutions while ensuring quality and fairness	Ongoing	Met All. The IRB continued its ongoing efforts to assess and recommend qualified candidates to the Minister for appointment as decision-makers to the RPD and IAD. With sustained appointments and reappointments by the Governor in Council (GIC), the IRB applied its decision-making capabilities in order to maximize case resolutions during 2010-11. A special backlog initiative also yielded additional case resolutions in the RPD. A performance measurement strategy that will further improve the quality of IRB proceedings was also developed. Case management processes were improved, and learning and training programs were further enhanced, providing the Board with a greater capacity to meet its caseload expectations and completions. Despite these efforts, a substantial backlog of refugee protection claims will remain pending by the time the BRRA comes into force; the details will be discussed further in this report.
Continue to promote an adaptive, integrated and flexible organization that values its people	Ongoing	Met All. The IRB continued to ensure the consistent delivery of high-quality administrative justice within a changing environment. During 2010-11, the IRB had to demonstrate its flexibility by adapting to changes brought about by the Strategic Review and by the reform to the refugee determination system. Additional emphasis was placed on human resources management practices.

RISK ANALYSIS

OPERATING ENVIRONMENT

The IRB carries out its mandate within a complex and ever-changing environment. Both international and domestic factors influence the IRB's operating environment. Conflicts and country conditions abroad can result in refugee movements, which affect the number of refugee

protection claims made in Canada. Similarly, shifts in international migration patterns and changes to domestic policies by other receiving countries can affect the number of people seeking admission to Canada.

REFUGEE POPULATIONS. The report *Asylum Levels and Trends in Industrialized Countries 2010*, published by the United Nations High Commissioner for Refugees (UNHCR),¹ shows that 358,800 asylum claims were submitted in the 44 main industrialized countries during the 2010 calendar year. This is 5 percent fewer than in 2009 and 2008, when 378,000 asylum claims were submitted in each year. After the United States, France, Germany and Sweden, Canada was the fifth largest recipient of claims among the 44 countries, with 23,200 new claims registered during the 2010 calendar year. This is a 30 percent decrease compared to 2009 (33,250 claims) and the lowest level since 2006. The number of claims referred to the IRB declined following the Government's imposition of a visa requirement for nationals of Mexico and the Czech Republic wishing to travel to Canada. This policy measure came into effect in mid-July 2009 and has reduced the number of claims referred from these two high-volume source countries. During 2010, there were 6,300 fewer claims from Mexican nationals referred to the IRB, a reduction of 84 percent from the previous year. The number of claims from the Czech Republic dropped from more than 2,000 in 2009 to almost zero in 2010.

GROWING TREND OF FAMILY SPONSORSHIPS. The Government of Canada continues to place priority on family reunification, as expressed in the IRPA and CIC's *Annual Report to Parliament on Immigration: 2010*.² With an ever-growing immigrant population, it is expected that family class sponsorship applications will be maintained at the high levels seen over the past five years. Accordingly, the IRB received a high number of family sponsorship appeals throughout 2010–11.

CHALLENGES

APPOINTMENT OF DECISION-MAKERS. In order to resolve the refugee protection claims and immigration appeals before it, the IRB depends on decision-makers appointed by the GIC following a rigorous, merit-based selection process. As noted in the *2009 Status Report of the Auditor General of Canada*,³ during a series of transitions in Government between 2004 and 2008, appointments and reappointments of GIC decision-makers to the Board did not keep pace with vacancies resulting from expired mandates and resignations. This had a significant impact on the Board's capacity to process cases in a timely manner. With 84 appointments and 51 reappointments since October 2008, this situation has been largely rectified. The average number of decision-maker positions filled during 2010–11 was 96 percent of the funded complement. As part of a special backlog reduction project in the RPD, an additional 12 decision-makers were also appointed, providing approximately a 10 percent increase in decision-making capacity during the last five months of the reporting period.

¹ Report available on UNHCR Web site: www.unhcr.org

² Report available at www.cic.gc.ca/english/resources/publications/annual-report2010/index.asp.

³ Report available at www.oag-bvg.gc.ca/internet/English/parl_oag_200903_02_e_32289.html.

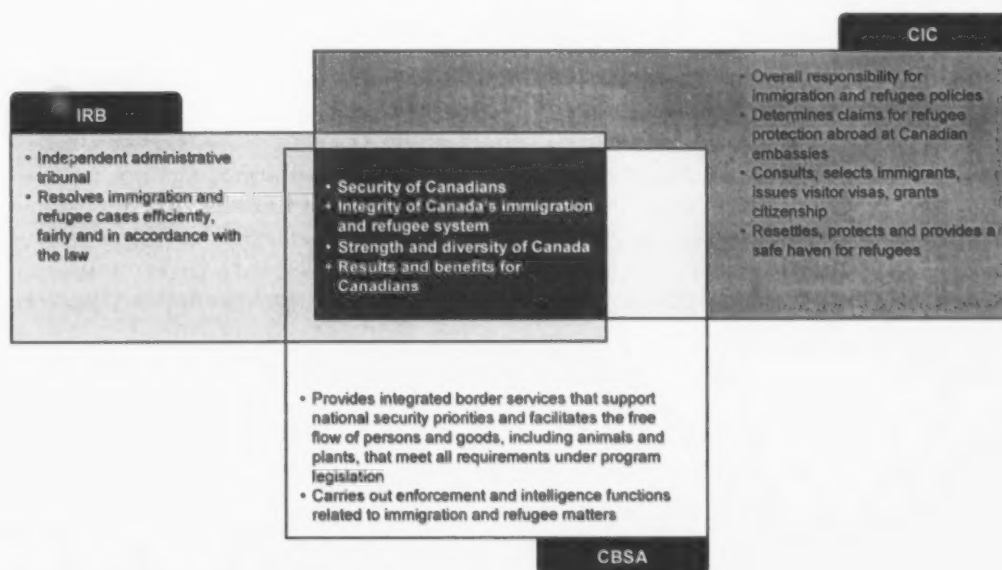
PENDING CASE INVENTORY. There were approximately 59,000 refugee protection claims and 10,900 immigration appeals pending at the beginning of 2010–11. As explained in previous reports, this case inventory had accumulated in past years due to shortfalls in the number of GIC decision-maker appointments and reappointments, and a case intake that was well above the IRB's funded capacity. With regard to refugee protection determination, during 2010–11, the combination of sustained GIC decision-maker appointments and reappointments, the funding and appointment of additional decision-makers and adjudicative support staff for backlog reduction, more efficient case processing, and a reduced claim intake has allowed the IRB to reduce the number of pending refugee protection claims. The IRB's performance in this regard is further detailed in the second part of this report. At the end of the 2010–11 reporting period, there were 48,300 refugee protection claims and 11,400 immigration appeals pending. While the special backlog reduction project will continue to reduce this inventory during 2011–12, a considerable number of refugee protection claims will remain pending when the BRRRA comes into force. The IRB will not have the resources to resolve these cases under the new legislative regime.

STRATEGIC REVIEW. As anticipated in the *Report on Plans and Priorities* (RPP), following the Strategic Review in 2009–10 the Government reallocated \$5.7 million from existing IRB program funding to higher Government priorities. The reductions began in 2010–11 and will be implemented over a three-year period. This resulted in a reduction in tribunal officers; a reprioritization, rationalization and streamlining of information technology; the closure of documentation centres; and a reallocation of the unused portion of the special purpose allotment for the translation of decisions.

REFORM OF THE REFUGEE DETERMINATION SYSTEM. The BRRRA received Royal Assent on June 29, 2010. Since then, the IRB has dedicated significant resources and effort to preparing for the implementation of the new legislation while maintaining productivity as well as the quality and fairness of Board proceedings. During 2010–11, the Reform Office was established to lead the IRB's complex transition to the new system. The Reform Office developed the reform project plan and established project oversight and working groups to provide advice on the key facets of the project. In addition, new rules for both the new RPD and the new Refugee Appeal Division (RAD) were drafted and an extensive consultation process was completed, resulting in policy direction and the mapping of processes for existing and newly created divisions. A modified organizational structure was also developed to include the new RAD and the transition to public service decision-makers in the RPD. As well, staffing activities were initiated. A comprehensive Human Change Management program was implemented to support personnel's transition to the new system. An evaluation of IRB facilities in all regions was undertaken and resulted in an accommodations strategy and plan to support the new requirements. Finally, a communications plan was established to inform and consult personnel and stakeholders on key elements of the BRRRA implementation.

OPPORTUNITIES

PORTFOLIO AND STAKEHOLDERS. As immigration and refugee portfolio organizations, the IRB, CIC and the Canada Border Services Agency (CBSA) collaborate on operational matters while respecting each other's distinct mandates and the IRB's institutional and adjudicative independence. Portfolio organizations are party to a trilateral memorandum of understanding that provides a framework under which organizational priorities are discussed and information is shared as appropriate. This collaborative approach provides for improved communication and operational coordination. The diagram below outlines the distinct functions and roles of the portfolio organizations as well as the overarching goals they share. During 2010–11, the value of the institutional coordination was highlighted as the IRB engaged with portfolio organizations and stakeholders in order to effectively prepare for the implementation of the BRRA.



SUMMARY OF PERFORMANCE

FINANCIAL AND HUMAN RESOURCES

Financial Resources (\$ Millions)		
Planned Spending	Total Authorities	Actual Spending
117.1	130.8	125.6

Human Resources (Full-Time Equivalents [FTEs])		
Planned	Actual	Difference
1,025	1,023	(2)

Total Authorities increased by \$13.7 million over Planned Spending primarily due to the \$9.0 million received to implement the BRRA and the refugee backlog reduction strategy, and the \$4.5 million carried forward from 2009–10. Actual Spending was \$5.2 million less than Total Authorities, which was mainly attributable to a lower volume of translations of decisions and to vacancies in GIC decision-maker and public service positions.

SUMMARY OF PERFORMANCE TABLE

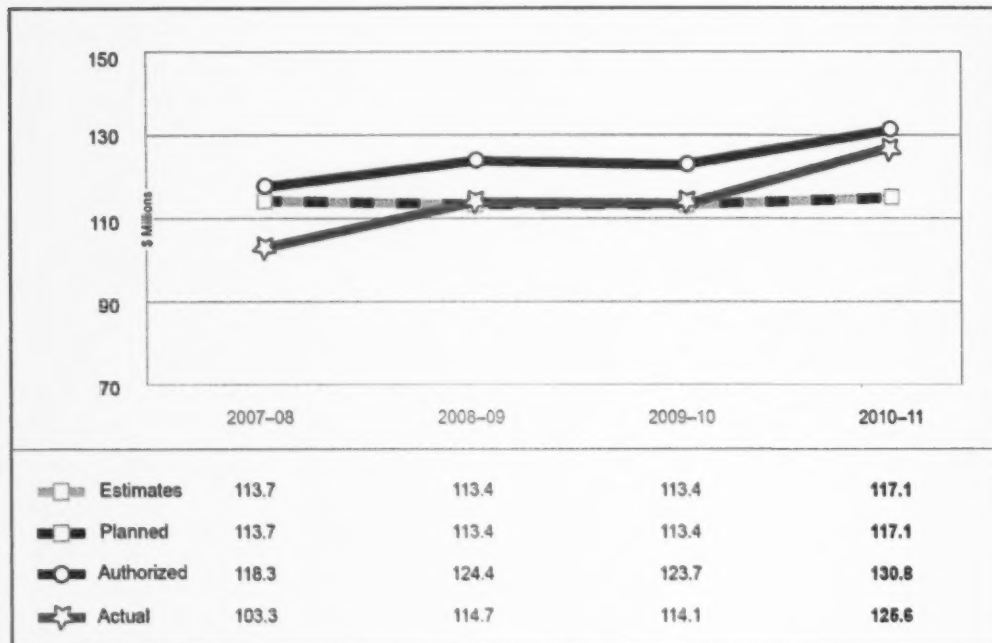
Summary of Performance Table						
STRATEGIC OUTCOME						
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law						
PERFORMANCE INDICATORS			TARGET	2010–11 PERFORMANCE		
<ul style="list-style-type: none"> Percentage of IRB decisions overturned by the Federal Court. (This quality indicator is used in addition to the indicators described in the program activities; see Section II for more details.) 			<ul style="list-style-type: none"> Less than 1% 	<ul style="list-style-type: none"> The IRB met its performance target, with only 0.4% of decisions overturned by the Federal Court. This is an indication of the great fairness and quality of the decisions rendered by the Board. 		
Program Activity ¹	2009–10 Actual Spending (\$ Millions)	Main Estimates	Planned Spending	2010–11 (\$ Millions)		Alignment to GOC Outcome
				Total Authorities	Actual Spending	
Refugee Protection	58.2	57.9	57.9	65.4	63.4	A safe and secure world through international engagement
Admissibility Hearings and Detention Reviews	9.0	12.7	12.7	13.4	11.0	A safe and secure Canada
Immigration Appeal	15.6	14.6	14.6	16.7	16.4	A vibrant Canadian culture and heritage ²
Subtotal	82.8	85.2	85.2	95.5	90.8	
Internal Services	31.3	31.9	31.9	35.3	34.8	
TOTAL	114.1	117.1	117.1	130.8	125.6	

¹ Commencing in the 2009–10 Estimates cycle, the resources for Internal Services are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by program activity between fiscal years.

² Through its removal orders work, this program activity also contributes to the Government of Canada (GOC) outcome "A Safe and Secure Canada."

EXPENDITURE PROFILE

SPENDING TREND 2007-08 TO 2010-11



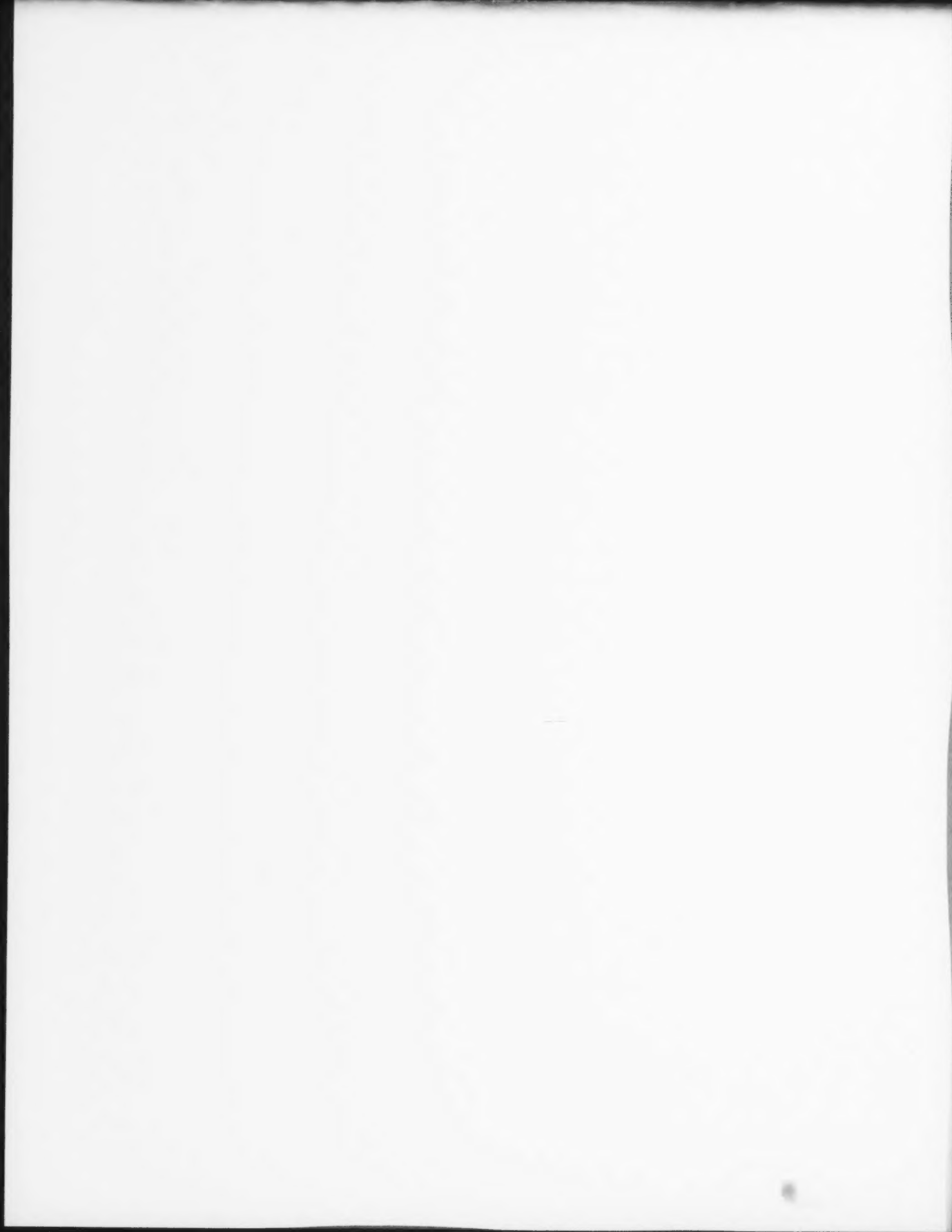
The increase in Main Estimates and Planned Spending for 2010-11 over prior years is due to additional funding received in compensation for collective agreements.

The difference between Planned Spending and Total Authorities is primarily due to sunset funding received for the implementation of the BRRA and for the refugee backlog reduction strategy, as well as funding carried forward from the previous year.

Expenditures for the implementation of the BRRA and for the refugee backlog reduction strategy account for most of the increase in Actual Spending during 2010-11.

ESTIMATES BY VOTE

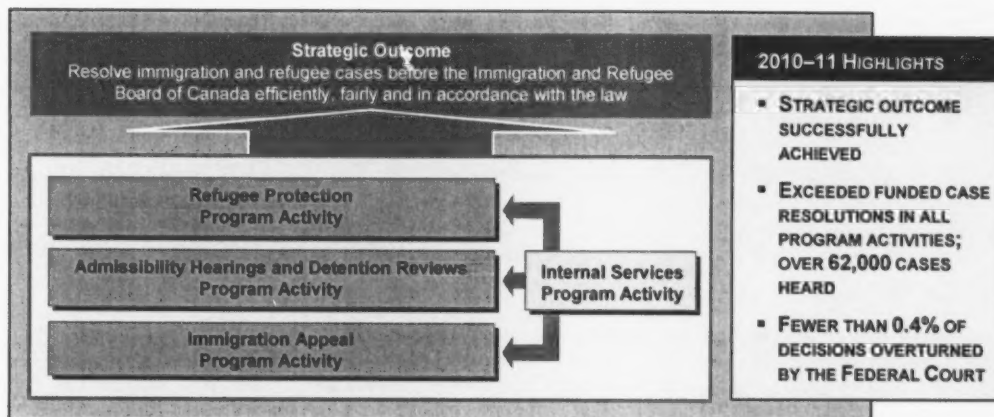
For information on our organizational votes and/or statutory expenditures, please see the *Public Accounts of Canada 2010-11 (Volume II)*. An electronic version of the Public Accounts is available at Public Works and Government Services Canada's (PWGSC) Web page: www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html.



SECTION II

ANALYSIS OF PROGRAM ACTIVITIES

STRATEGIC OUTCOME



IRB program activities are designed to support the achievement of the strategic outcome. Based on its legislated mandate and approved PAA, the IRB has a single strategic outcome: resolving immigration and refugee cases efficiently, fairly and in accordance with the law. Each of the three core program activities is focused on the resolution of different types of cases before the Board. Combined, they include responsibility for all tribunal decisions and case resolutions, and for a successful outcome.

The realization of the strategic outcome is dependent on both the quantity and the quality of the output, i.e. tribunal resolutions. For instance, a large number of cases must be finalized each year in order to avoid creating a backlog and ensuing delays for individuals waiting for a decision on their case. At the same time, the quality and fairness of each decision must be maintained.

The following pages provide a performance summary and information on overall financial and human resources for the IRB's four program activities during the 2010-11 reporting period.

PROGRAM ACTIVITY 1 REFUGEE PROTECTION

DESCRIPTION

The Refugee Protection Division (RPD) delivers the IRB's **Refugee Protection program activity**. It determines claims for refugee protection made in Canada. Processing of refugee protection claims is the largest of the IRB's activities and demands the majority of its resources. Through the work of the RPD, Canada fulfills its obligations as a signatory to a number of international human rights conventions.

Additional information on the RPD is available at www.irb-cisr.gc.ca/eng/tribunal/rpdspr/pages/index.aspx.

2010-11 HIGHLIGHTS

- **22,700 NEW REFUGEE PROTECTION CLAIMS FILED, 26% FEWER THAN LAST YEAR**
- **33,400 REFUGEE PROTECTION CLAIMS RESOLVED, 8,400 MORE THAN FORECAST**
- **CASE INVENTORY REDUCED FROM 59,000 TO 48,300**

Program Activity: REFUGEE PROTECTION					
2010-11 Financial Resources (\$ Millions)			2010-11 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
57.9	65.4	63.4	565	573	8
Expected Result: Quality decisions rendered and cases resolved in a timely manner regarding refugee protection claims made in Canada				Performance Status: Exceeded	
Performance Indicator		Target		Performance Summary	
Clarity, completeness and conciseness of IRB reasons for decisions		Develop targets for indicators		Target development ongoing. Validation and reporting to begin in the new refugee determination system during 2012-13.	
Percentage of cases finalized without a hearing		It was expected that 6 to 8% of cases would meet the criteria to be finalized without a hearing, through more expeditious processes.		7%	
Ratio of finalized cases to referred cases		During 2010-11, approximately 25,000 refugee protection claim referrals were expected and the RPD anticipated finalizing 25,000 claims, resulting in a ratio of 100%.		22,700 claims were referred and 33,400 claims were finalized, resulting in a ratio of 146%.	
Average cost per claim finalized		\$3,200		\$2,500	
Average case processing time (from referral to finalization)		The average processing time (from referral to finalization) could increase to 20.5 months as the age of the cases in the inventory continues to grow.		Increased from 19.2 to 21.9 months	

PERFORMANCE SUMMARY AND ANALYSIS

DECISION-MAKERS. The sustained appointment and reappointment of decision-makers by the GIC remains the critical success factor for the RPD. During 2010–11, improvements were noticeable in this regard, and the RPD operated with a much-reduced shortfall that varied between 2 and 9 decision-makers from its fully funded regular complement of 127. In addition to its regular complement, 12 decision-makers were appointed in the fall of 2010 to help reduce the number of pending refugee protection claims prior to the coming into force of the BRRA.

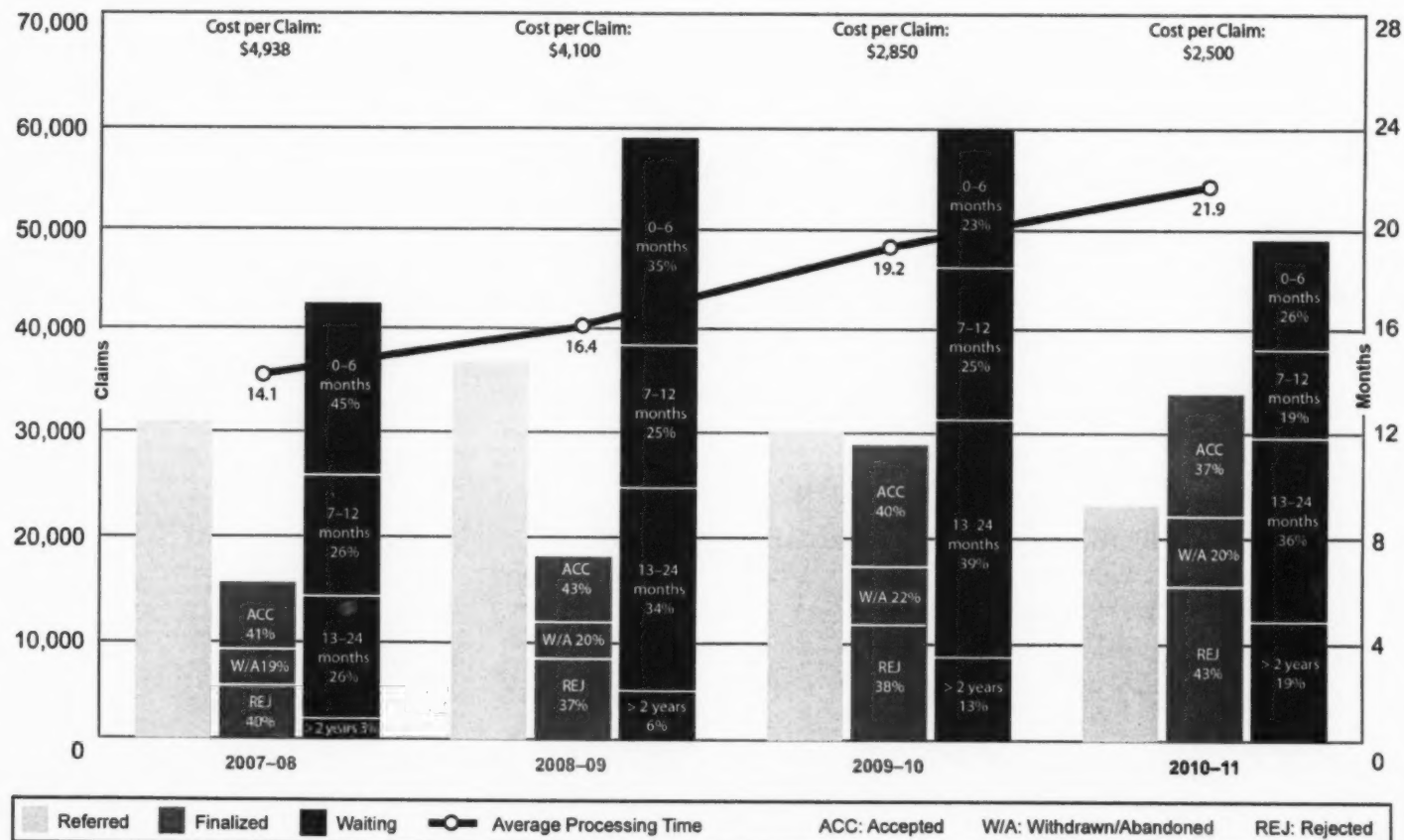
INVENTORY. There were 48,300 refugee protection claims waiting to be heard by the end of 2010–11, which is an 18 percent reduction in the inventory from the last fiscal year. The RPD finalized 33,400 claims in the period under review, a remarkable achievement given that a significant amount of effort was also required to begin preparations for the implementation of the BRRA. In 2010–11, almost 23,000 claims were referred (compared to a projected intake of 25,000 claims). This reduction in intake, the relative continuity in appointments, enhanced productivity, and a high level of withdrawn and abandoned claims have allowed the RPD to decrease its backlog by 14,000 since it peaked at 62,000 in October 2009. During the year, the ratio of finalized cases to referred cases was 146 percent, compared to 95 percent last year. Despite these factors, a significant number of claims will remain pending when the new legislation comes into force. Without additional resources, the IRB will not have the capacity to hear these claims and further reduce this pending inventory in any substantial way under the new system.

CASE MANAGEMENT. The RPD finalized 33,400 claims in 2010–11, 8,400 claims above the RPP forecast of 25,000 claims. A number of factors contributed to this result: the additional decision-makers appointed under the backlog reduction initiative; case management efficiencies, including enhanced adjudicative support; and continued hearing-readiness efforts.

LESSONS LEARNED

The RPD has piloted accelerated scheduling and scheduling conference initiatives. The first initiative consists of strategically assigning more straightforward hearings to certain decision-makers. During accelerated scheduling weeks, a decision-maker is scheduled 15 straightforward hearings. Typically, the decision-maker renders oral decisions, and a higher number of finalizations are thus achieved than would normally be the case. The second initiative consists of requiring claimants to attend a conference to delineate issues and make sure the case is hearing-ready. The RPD is evaluating the results of both initiatives to determine whether they should be implemented across all regions.

Refugee Protection



Note: The totals may not be exactly 100% due to rounding.

PROGRAM ACTIVITY 2 ADMISSIBILITY HEARINGS AND DETENTION REVIEWS

DESCRIPTION

The Immigration Division (ID) delivers the **Admissibility Hearings and Detention Reviews** program activity. It holds hearings for foreign nationals or permanent residents who, under the provisions of the IRPA, are alleged to be inadmissible to Canada or are detained. Detainees must be seen by the ID within 48 hours after their referral, or without delay thereafter, and subsequent reviews must be conducted within specific statutory time frames. Decision-makers must balance the right to individual liberty with the safety and security interests of Canadians.

Additional information on the ID is available at www.irb-cisr.gc.ca/eng/tribunal/idsi/pages/index.aspx.

2010-11 HIGHLIGHTS

- **2,800 ADMISSIBILITY HEARINGS FINALIZED**
- **18,500 DETENTION REVIEWS CARRIED OUT**
- **PUBLIC SERVICE AWARD OF EXCELLENCE**

Program Activity: ADMISSIBILITY HEARINGS AND DETENTION REVIEWS					
2010–11 Financial Resources (\$ Millions)			2010–11 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
12.7	13.4	11.0	70	73	3
Expected Result: Quality decisions rendered and cases resolved in a timely manner regarding admissibility hearings and detention reviews				Performance Status: Exceeded	
Performance Indicator		Target	Performance Summary		
Clarity, completeness and conciseness of IRB reasons for decisions		Develop targets for indicators	Target development ongoing; to be validated during Q4 2011–12. Reporting to begin during 2012–13.		
Percentage of admissibility hearing cases concluded to referred cases		98% ¹	102%		
Percentage of concluded detention review cases within statutory time frame		97% ²	98%		
Average cost of admissibility hearing		\$900	\$1,000		
Average cost of detention review		\$800	\$800		
Percentage of admissibility hearings concluded with a hearing within six months from referral		88%	93%		

¹ Detention reviews take priority over admissibility hearings due to legislative time requirements. The number of referrals from the CBSA will affect the capacity to conduct admissibility hearings.

² Factors outside the IRB's control, such as prison lock-down, impede the achievement of 100% compliance.

PERFORMANCE SUMMARY AND ANALYSIS

SUSTAINED AND MORE COMPLEX WORKLOAD. The number of cases concluded by the ID depends largely on the number of cases referred by the CBSA. During 2010–11, the ID experienced a 9-percent decrease in referrals for admissibility hearings while the number of detention reviews increased by 11 percent. A growing number of admissibility hearings and detention reviews involved more complex and novel issues. For example, complex cases involving classified information related to national security and criminal intelligence require a disproportionate level of coordination and effort from decision-makers and registry, security and legal staff. Through continued efficiencies and some additional resources, the ID increased its output and concluded almost all cases within the legislated time frames for detention reviews.

Detention reviews represented 87 percent of the Division's caseload. Of particular note, the number of detention reviews in the Western Region increased by 116 percent, a direct result of the arrival of the *MV Sun Sea* carrying 492 migrants from Sri Lanka in August 2010. The ID prioritized detention reviews to ensure that legislative requirements and the fundamental rights of the persons concerned were respected.

EFFECTIVE CASE MANAGEMENT. Throughout the year, the ID monitored its case inventory closely. By applying scheduling standards, the Division ensured that established productivity targets were met. Further enhancements of effective case management practices allowed the ID to maintain reduced rates of adjournments and postponements, to reduce processing times and to increase its capacity to resolve cases in a timely fashion. Significant divisional resources, and not only those of the Western Region, were also focused on ensuring the timely processing of detention reviews and admissibility hearings stemming from the arrival of migrants aboard the *MV Sun Sea*.

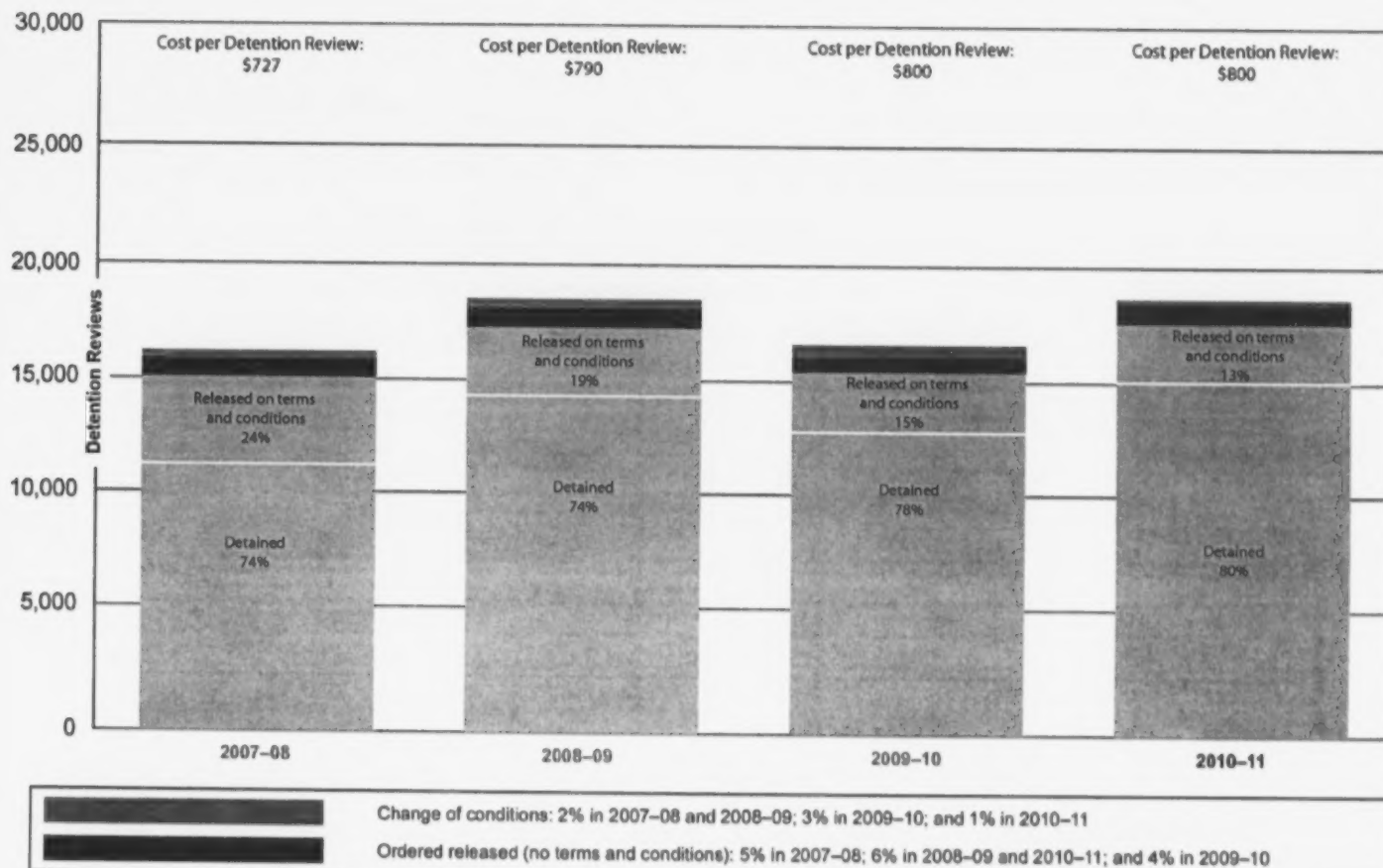
LESSONS LEARNED

In all of its activities, the ID exceeded expectations. Despite an overall increase in detention reviews, notably in the Western Region, the ID exceeded its performance targets. The challenges facing the Division due to the arrival of the *MV Sun Sea* were immense; however, the Division was able to meet its legislated time frames because it worked quickly to secure additional short-term resources, move Eastern Region and Central Region decision-makers to the Western Region for short-term assignments, and shift some work from the Western Region to the other two regions on a temporary basis.

The Division's dedicated and professional workforce, along with a number of other IRB personnel, was honoured with the Public Service Award of Excellence recognizing "Exemplary Contribution Under Extraordinary Circumstances" for their handling of the unanticipated influx of marine migrants.

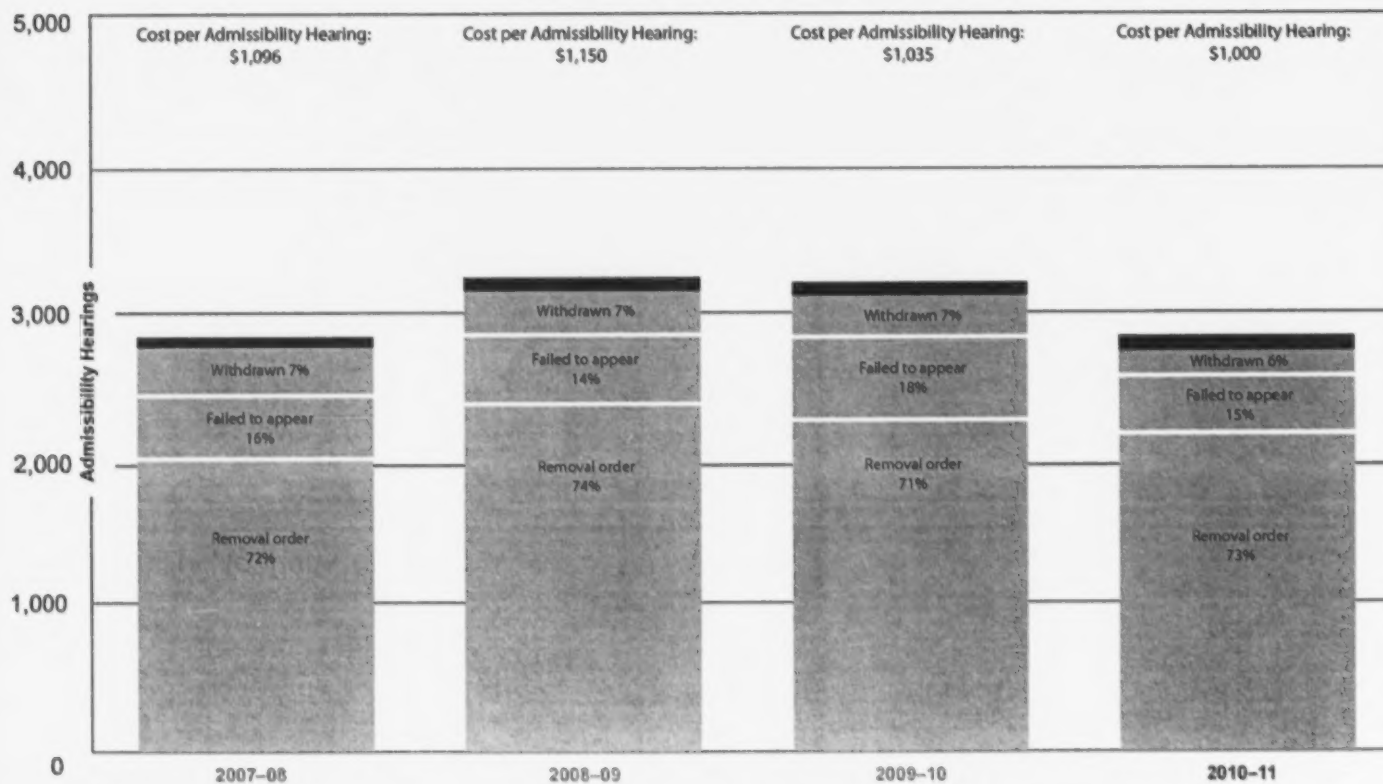
Securing high-quality decision-makers will remain a key element in the Division's future success.

Detention Reviews



Note: The totals may not be exactly 100% due to rounding.

Admissibility Hearings



Permission to enter/remain: 3% in 2007-08, 2008-09 and 2009-10; and 4% in 2010-11

Note: The totals may not be exactly 100% due to rounding.

PROGRAM ACTIVITY 3 IMMIGRATION APPEAL

DESCRIPTION

The Immigration Appeal Division (IAD) delivers the **Immigration Appeal program activity**. It hears immigration appeals from Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused. Other key functions include hearing appeals from permanent residents, foreign nationals with a permanent resident visa, protected persons who have been ordered removed from Canada, and permanent residents outside Canada who are alleged to have not fulfilled their residency obligation.

Additional information on the IAD is available at www.irb-cisr.gc.ca/eng/tribunal/iadsai/pages/index.aspx.

2010-11 HIGHLIGHTS

- **7,600 NEW IMMIGRATION APPEALS FILED**
- **7,100 IMMIGRATION APPEALS FINALIZED AND 660 STAYS ISSUED**
- **CASE INVENTORY INCREASED FROM 10,900 TO 11,400**
- **AVERAGE PROCESSING TIME DECREASED FROM 11.6 TO 11.4 MONTHS**

Program Activity: IMMIGRATION APPEAL					
2010-11 Financial Resources (\$ Millions)			2010-11 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
14.6	16.7	16.4	120	124	4
Expected Result: Quality decisions rendered and cases resolved in a timely manner regarding immigration appeals				Performance Status: Met All	
Performance Indicator		Target		Performance Summary	
Clarity, completeness and conciseness of IRB reasons for decisions		Develop targets for indicators		Target development ongoing; to be validated during Q4 2011-12. Reporting to begin during 2012-13.	
Percentage of appeals finalized without a hearing		It was expected that 43% or more of appeals would be finalized without a hearing.		39%	
Ratio of finalized appeals to filed appeals		Approximately 7,400 appeals were expected to be filed in 2010-11. Based on the number of decision-makers available, we expected to finalize 6,500 appeals, resulting in a ratio of 88%.		7,600 appeals were filed and 7,100 were finalized, resulting in a ratio of 93%.	
Average cost per appeal finalized		\$3,100		\$3,100	
Average appeal processing time		Based on the inventory, it was expected that the average processing time would increase to 12 months in 2010-11.		Decreased from 11.6 to 11.4 months	

PERFORMANCE SUMMARY AND ANALYSIS

DECISION-MAKERS. In 2010–11, the IAD operated with close to its full complement of decision-makers. Although the majority of IAD decision-makers were in their first mandate, with some in their initial training period, the Division significantly exceeded its projected target of 6,500 finalizations. For the first time in IAD history, 7,100 appeals were finalized and 660 stays issued, reflecting outstanding productivity by the decision-makers and adjudicative support personnel.

INVENTORY. The IAD intake of appeals was slightly more than forecast, with 7,600 appeals filed in 2010–11, and the inventory of appeals awaiting finalization increased to 11,400. The Division will continue to identify efficiencies in its procedural, adjudicative and administrative practices; however, productivity is most affected by the number of decision-makers available to resolve appeals.

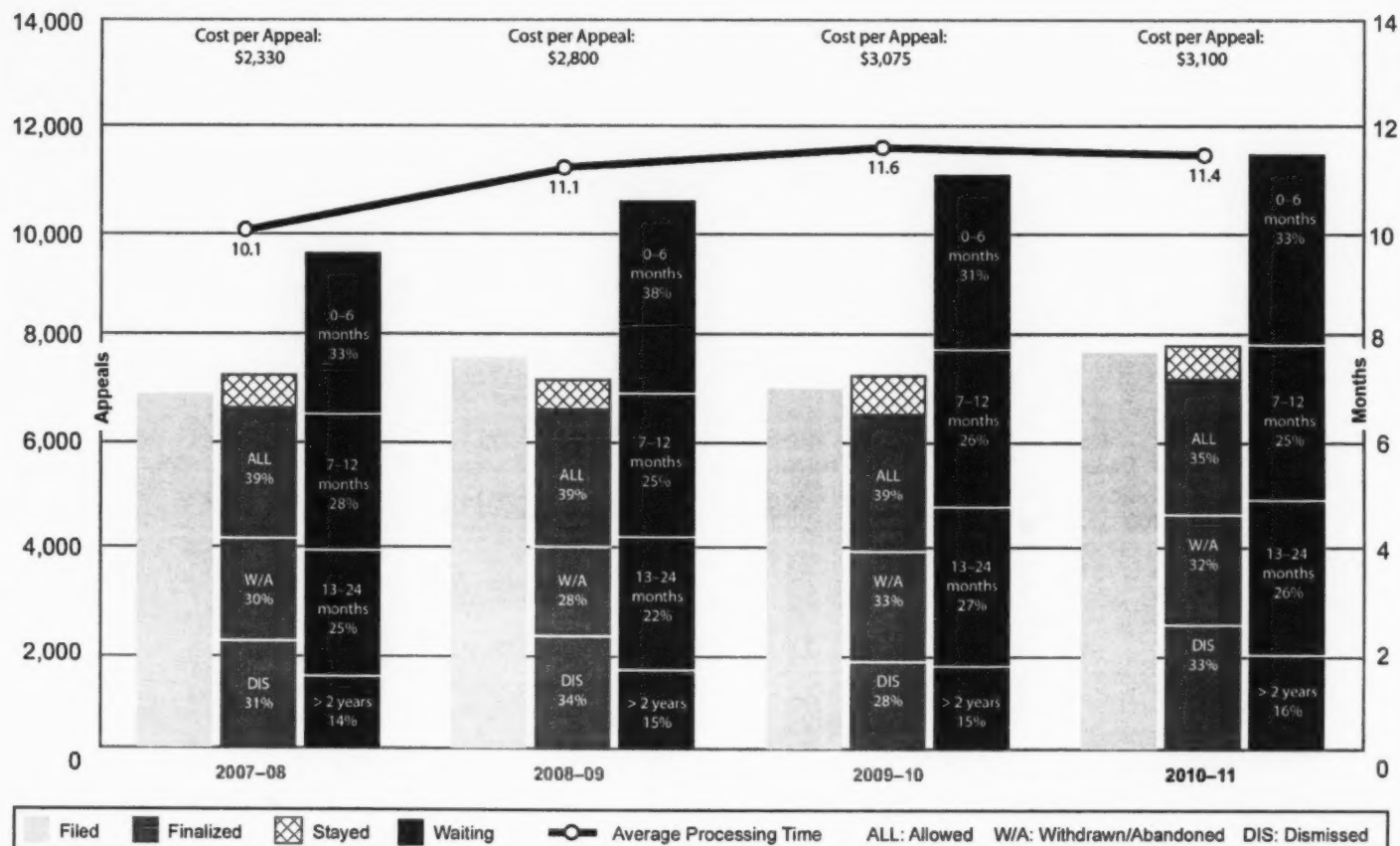
CASE MANAGEMENT. The IAD continued to respond in a flexible manner to match resources with regional caseloads by sharing decision-makers among regions and by conducting hearings via videoconference where appropriate. Case management strategies focused on increasing early resolution of appeals without a hearing, enhancing hearing readiness, scheduling appeals strategically to increase efficiencies, and monitoring reasons for postponements and adjournments. The IAD remains committed to producing quality decisions that are made in a timely manner.

PORTFOLIO LINKAGES. The IAD has kept working with the CBSA to quickly finalize appeals that the CBSA had screened for early resolution and to facilitate the hearing of appeals where the Minister's counsel had chosen to participate through written submissions only. Work undertaken with the CBSA on case management innovations continued, as always, to respect the adjudicative independence of IAD decision-makers.

LESSONS LEARNED

The need to coordinate resources with the CBSA remains crucial to the work of the IAD. We have learned that regular consultative meetings attended by representatives of the IAD, counsel and the CBSA facilitate creative problem-solving that can lead to optimized resource allocation. Strong adjudicative support remains important for sustaining high productivity through increased hearing readiness and early resolution of cases. Despite the record-high decision-maker productivity in 2010–11, we realize that the average appeal processing time will only decrease when more appeals are resolved without a hearing. The IAD will capitalize on these lessons and continue to improve its efficiency and productivity.

Immigration Appeal



Note: The totals may not be exactly 100% due to rounding.

PROGRAM ACTIVITY 4 INTERNAL SERVICES

DESCRIPTION

Internal Services are groups of related activities and resources required to support the needs of all three tribunal programs and other corporate obligations of the IRB. These services are: Management and Oversight; Communications; Legal; Human Resources Management; Financial Management; Information Management; Information Technology; Procurement and Assets Management; Internal Audit and Evaluation; and other administrative services. Internal Services include only those activities and resources that apply across the organization and not those provided to a specific program.

2010–11 HIGHLIGHTS

- REFORM IMPLEMENTATION PLANNING SUPPORTED
- HR STAFFING PRACTICES STRENGTHENED
- MEASURES FOR THE QUALITY OF DECISIONS PILOTED

Program Activity: INTERNAL SERVICES					
2010–11 Financial Resources (\$ Millions)			2010–11 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
31.9	35.3	34.8	270	253	(17)

PERFORMANCE SUMMARY AND ANALYSIS

MANAGEMENT AND OVERSIGHT. During 2010–11, the IRB focused on two specific areas of management and oversight: staffing and systems development.

- The Public Service Commission (PSC) *Report on the Agreement on Follow-up to the Audit (2009)* is expected in the fall. The PSC acknowledged the significant progress made by the IRB in strengthening its staffing practices and in providing training and guidance to hiring managers so that staffing processes clearly respect the core and guiding values of the *Public Service Employment Act* (PSEA). An internal quality assurance process was also implemented, whereby an independent assessment of all appointment files was undertaken to ensure that all requirements of the PSEA and relevant policies were met prior to proceeding with the offer to appoint.
- The IRB contracted an outside consulting firm to carry out a third-party independent review of the IRB's System for Tracking Appeals and Refugees (STAR) Modernization Project. The review provided the IRB with a better understanding of the project parameters and the dependencies inherent in its successful completion. The

results of this independent review also provided the Treasury Board Secretariat (TBS) with the assurance it was seeking prior to granting the authority for the modernization project.

COMMUNICATIONS. During the reporting period, the IRB took part in numerous outreach events ranging from national and international conferences to stakeholder consultations and intergovernmental meetings on a variety of issues, including refugee reform. Participation in these events promoted exchanges on key policy and procedural issues and resulted in improved communication and cooperation between IRB personnel and major stakeholders, key government partners and the Canadian public.

LEGAL. During 2010–11, IRB Legal Services continued to provide ongoing support for the implementation of the BRRA. Key activities included the development of new rules of practice and procedure for the RPD and the RAD, and related advice and support. In Vancouver, Legal Services provided strategic operational advice and decision-making support in response to the nearly 500 MV *Sun Sea* marine arrivals. Nationally, Legal Services continued to provide advice and guidance on all aspects of operations, service delivery, policy development, corporate direction and management decisions to ensure compliance with all relevant legal requirements. This included advice on the impact of Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act* (formerly called the *Cracking Down on Crooked Consultants Act*), which received Royal Assent on March 23, 2011. Continued support and advice on complex cases involving classified information related to national security and criminal intelligence was also provided during the reporting period. Legal Services maintained its ongoing training and support of newly appointed decision-makers in all the divisions, including by providing advice, conducting risk analyses and reviewing adjudicative strategies.

HUMAN RESOURCES MANAGEMENT. In preparing for the successful implementation of the BRRA, the IRB developed its human resources (HR) plan to ensure that it continues to foster an environment where people management is valued and recognized as a priority. The plan spans the period from 2010–11 to 2012–13 and is an integral component of the organization's management framework. The 2010–11 HR priorities lay the groundwork for the creation of the new organization and for the support of existing and incoming IRB personnel by realigning other operational deliverables in the areas of classification, staffing and professional development. In addition, the IRB continued to build the capacity of its HR community and to address the findings of the 2009 PSC staffing audit. As the largest federal administrative tribunal in Canada, the IRB faces particular challenges arising from its mix of decision-makers and support personnel. However, it remains committed to excellence in all of its HR activities and to full compliance with applicable legislation, guidelines and policies.

FINANCIAL MANAGEMENT. During 2010–11, the main focus of financial management was the planning and budgeting efforts necessary to prepare for the implementation of the BRRA. In addition, measures were taken to prepare for the TBS *Policy on Internal Control*. A risk assessment of financial reporting accounts and documentation of financial control processes were undertaken, which will enable the Board to fully implement the policy in 2011–12, as required by TBS. Future-Oriented Financial Statements were prepared and published with the 2011–12 RPP in accordance with a new TBS requirement to provide better accrual-based financial information on Government expenditures. The IRB also implemented a process for the publication of quarterly financial reports, a requirement of the *Financial Administration Act* that becomes effective in 2011–12.

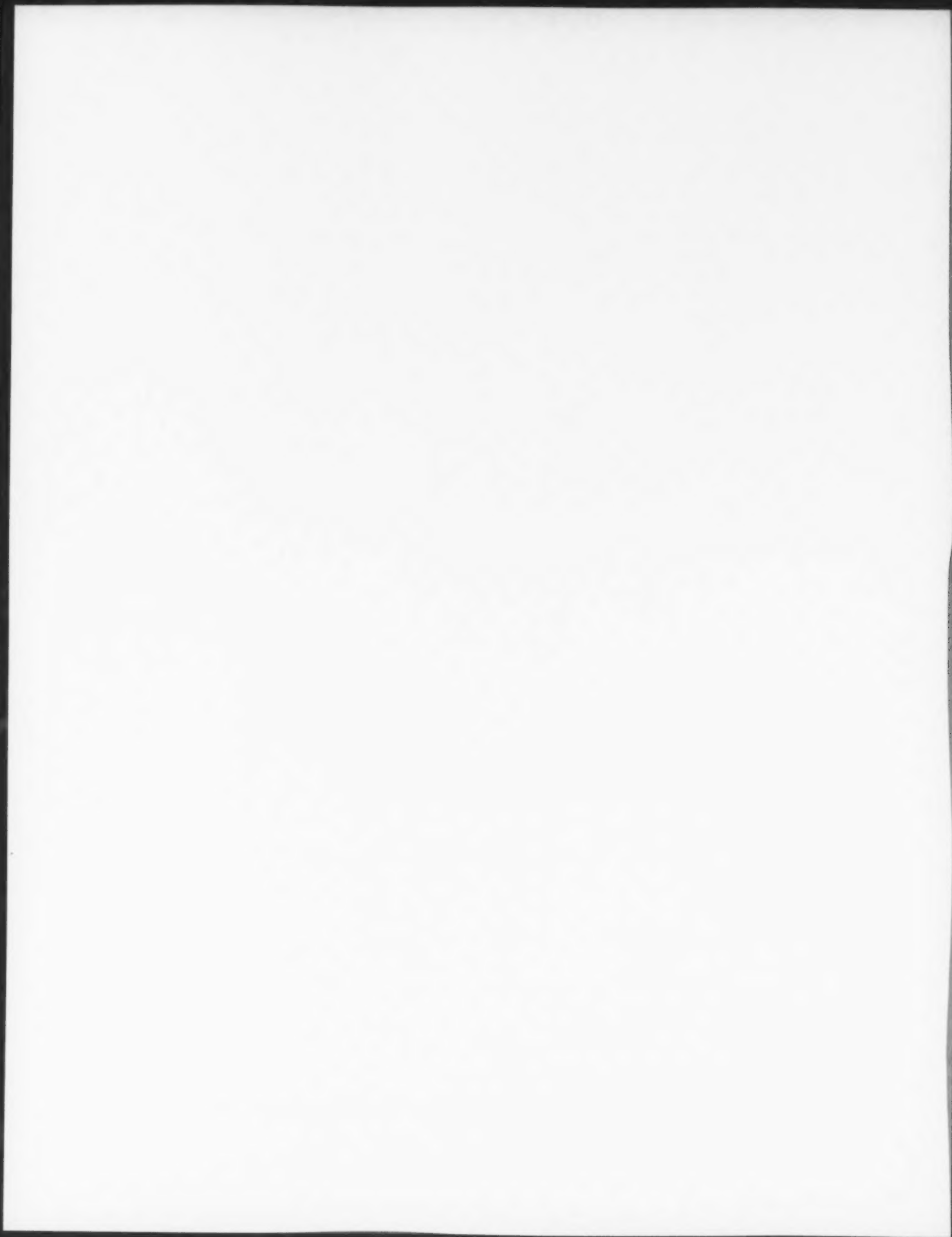
INFORMATION MANAGEMENT. The implementation of the new IRB function-based classification structure was postponed due to a shift in workload priorities associated with the new legislation. The Chief Information Officer (CIO) role was defined, and an information management (IM) maturity review was conducted within the Board. This review confirmed that much work remains to be done. For example, IM infrastructure needs require further definition. Document and record management processes and tools also require attention and improvements. During the next reporting period, the CIO will develop a comprehensive plan and will also implement enabling technology in support of the Board's IM strategy.

INFORMATION TECHNOLOGY. In 2010–11, information technology (IT) at the IRB was shaped by new and emerging business priorities, as well as ongoing systems and infrastructure maintenance and upgrades. IT efforts were focused on supporting reform implementation by providing adequate IT infrastructure support. IT also supported the successful release and implementation of the Interactive Scheduling Interface, a new scheduling tool for the RPD, and the effective and timely development of NOVA, formerly named the STAR Modernization Project.

PROCUREMENT AND ASSETS MANAGEMENT. During 2010–11, the IRB's procurement program continued to assist clients in developing their procurement strategies to be effective, flexible and provide best value to the Crown. As functional specialists, procurement officers were given access to specialized training, as required by PWGSC and TBS. Disposal efforts for IT and non-IT assets deemed surplus were undertaken while adhering to the requirements of the Computers for Schools program, the PWGSC GC Surplus initiative, and the provincial and PWGSC e-waste recycling programs.

INTERNAL AUDIT. In 2010–11, the new IRB Internal Audit Charter and the IRB Audit Committee Charter were developed, in accordance with the guidelines and directives of the amended TBS *Policy on Internal Audit* (July 2009). In addition, the IRB developed its three-year Risk-Based Audit Plan, which identifies the risk areas for the organization, as well as the audits and reviews that will be accomplished during the three-year time frame.

EVALUATION. The IRB's preparations to implement the BRRRA and the supporting NOVA system took into account the key recommendations of a recent evaluation to improve the effectiveness and efficiency of the IRB's scheduling practices. The IRB has also been collaborating with its portfolio partners in planning the three-year horizontal evaluation of the new refugee system and key metrics to monitor it on a regular basis. The IRB developed and piloted an innovative performance measurement system to measure the quality of decisions rendered by the Board. Following a successful pilot and very positive feedback, full implementation was planned and will begin in the next reporting period.



SECTION III SUPPLEMENTARY INFORMATION

FINANCIAL HIGHLIGHTS

For the period ending March 31, 2011

Condensed Statement of Financial Position			
(\$ Millions)			
	Percentage Variance	2010-11	2009-10
Assets – Total	98%	23.7	12.0
TOTAL	98%	23.7	12.0
Liabilities – Total	32%	37.0	28.0
Equity – Total	(17%)	(13.3)	(16.0)
TOTAL	98%	23.7	12.0

For the period ending March 31, 2011

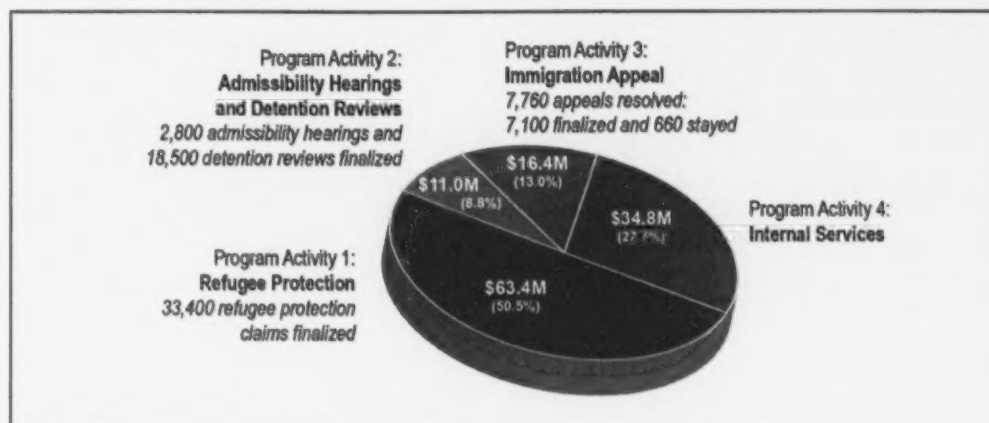
Condensed Statement of Operation			
(\$ Millions)			
	Percentage Variance	2010-11	2009-10
Expenses – Total	2%	144.8	141.3
Revenues – Total	0%	0.0	0.0
NET COST OF OPERATIONS	2%	144.7	141.3

Total assets were \$23.7 million at the end of 2010-11, an increase of \$11.7 million (98 percent) over the previous year's total assets of \$12.0 million. The increase in total assets was mainly due to the acquisition of tangible capital assets. Total liabilities were \$37.0 million at the end of 2010-11, an increase of \$9.0 million (32 percent) over the previous year's total liabilities of \$28.0 million due to an increase in the year-end accounts payable and accrued liabilities.

FINANCIAL HIGHLIGHTS CHART

During 2010-11, the IRB's total actual expenditures amounted to \$125.6 million and were dedicated to the application of the *Immigration and Refugee Protection Act*. The large majority of these resources were allocated to the conduct of hearings and tribunal operations for the delivery of efficient justice in the cases referred to the Board, in accordance with the law. A smaller portion of them were dedicated to support services and to compliance with government policies and regulations to ensure stewardship of the program activities.

ACTUAL SPENDING BY PROGRAM ACTIVITY



With the resources available, the IRB heard and rendered decisions in more than 62,000 cases during 2010–11. The quantities, types and costs are illustrated in the diagram above. Overall, this represents a 12 percent increase in the number of decisions rendered over the previous reporting period.

FINANCIAL STATEMENTS

A complete set of financial statements can be found on the IRB Web site at www.irb-cisr.gc.ca/eng/brdcom/publications/peren/pages/dpr-rmr1011.aspx.

SUPPLEMENTARY INFORMATION TABLES

In accordance with TBS directions, the IRB is also required to provide the following supplementary information tables in electronic format only:

- Status Report on Projects Operating with Specific Treasury Board Approval
- Green Procurement
- Internal Audits and Evaluations

These tables and all electronic supplementary information tables found in the *2010–11 Performance Report* are available on the TBS Web site at www.tbs-sct.gc.ca/dpr-rmr/2010-2011/index-eng.asp.



SECTION IV OTHER ITEMS OF INTEREST

IRB PROCESSES

Visit these links to find out how the IRB processes its cases:

- Refugee Protection Claim Process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/rpdspr/pages/rpdp.aspx
- Admissibility Hearing Process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/idsi/pages/ahp.aspx
- Detention Review Process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/idsi/pages/drpf.aspx
- Sponsorship Appeal Process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/sah.aspx
- Removal Order Appeal Process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/roa.aspx
- Residency Obligation Appeal Process
www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/residenc.aspx

CONTACT US

For more information, visit the IRB Web site at www.irb-cisr.gc.ca, or contact the IRB's Communications Directorate at contact@irb-cisr.gc.ca or at one of the IRB offices listed below.

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